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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,488	06/28/2004	Clemens Kujawski	3717483-00021	4524
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K&L Gates LLP				
P.O. BOX 1135				
CHICAGO, IL 60690				
EXAMINER				
TORRES, MARCOS L				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
09/30/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,488

Applicant(s)

KUJAWSKI, CLEMENS

Examiner

MARCOS L. TORRES

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8-24-10 has been entered.

Response to Arguments

1. Applicant's arguments filed 8-24-2010 have been fully considered but they are not persuasive.
2. After careful consideration of the applicant's amendment it is noted that the primary reference discloses the limitation "the voice output being indicative of a button press" since the help in Swanson indicates that a button have being pressed (see par. 0047). Therefore, the combination of the reference teaches all the limitations including the new limitation.
3. Regarding applicant's argument that Lilienthal does not disclose any help, it is noted that already Swanson and Glatzer disclose the help information. Lilienthal is being relied to teach the combination of audio and visual information at the same time (see col. 2, lines 42-47). Because all the references are directed to provide information,

the references are analogous and properly combinable. Thereby, combining Swanson's audio with Glatzer's visual help at the same time and helping the user to perform the desired task.

4. The rest of the arguments they fall for the same reasons as shown above. The current rejection in record stands.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson US 20020141549A1 in view of Glatzer US 20050078090A1 and further in view of Lilienthal 6933928.

As to claim 5, Sawson discloses a method for outputting help information on a mobile radio device, comprising the steps of: receiving a help signal during a partial

execution of a mobile radio device function (see fig. 5, item 105; par. 0039, 0047); processing the help signal in response to a request for help in relation to the partially executed function; generating a voice output indicative of help associated with mobile radio function in response to the processing, the voice output being indicative of a button press, the voice occurring a particular time (see fig.5, item 103,105; par. 0036, 0047-0051). Swanson does not specifically disclose one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device. In an analogous art, Glatzer discloses one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device (see par. 0001, 0046-0055). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer). The above references do not specifically disclose both the audio and video occurring at the particular time. In another analogous art, Lienthal discloses both the audio and video occurring at the particular time (see col. 3, lines 42-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to synchronize the audio and visual help so the user can easily recognize the information.

As to claim 6, Swanson discloses everything as explained above except for the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons. In an analogous art, Glatzer discloses the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons (see par. 0001, 0046-0055). Therefore, it

would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 8, Swanson discloses everything as explained above except for the method wherein the visual change is a turning off of the at least one button. In an analogous art, Glatzer discloses the method wherein the visual change is a turning off of the at least one button (see par. 0047-0050). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 9, Swanson discloses method wherein voice output is generated from a help text via a speaker in the mobile radio device (see par. 0036, 0047-0051).

8. Claims 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson in view of Glatzer and further in view of Lilienthal as applied to claim 5 above, and further in view of Hull US006720863B2.

As to claim 7, Sawanson and Glatzer disclose everything as explained above except for the method, wherein the visual change is a repeated illumination of the at least one button. In an analogous art, Hull discloses the method, wherein the visual change is a repeated illumination of the at least one button (see col. 5, lines 35-38; col. 6, lines 1-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to repeat the illumination for the simple and quick indication of the available keys or choices.

As to claim 10, Sawanson disclose a device function that is being partially executed (see fig. 5). Swanson and Glatzer do not specifically disclose the method wherein the help is generated in a predetermined sequence. In an analogous art, Hull discloses the method wherein the help information is generated in a predetermined animation sequence (see col. 11, lines 3-8). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to animate the keys for the simple and quick indication of the keys function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617